

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LEAH WINCEK,

Plaintiff,

Case No. 4:06-cv-122

v

Hon. Wendell A. Miles

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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ORDER ON MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
AND ORDER OF DISMISSAL

Plaintiff Leah Wincek brought this action appealing the decision of the Commissioner of Social Security ("the Commissioner") denying her claims for disability insurance benefits and supplemental security income benefits under Titles II and XVI of the Social Security Act. On March 26, 2007, United States Magistrate Judge Ellen S. Carmody issued a Report and Recommendation ("R & R") recommending that the action be dismissed for failure to prosecute. No party has filed objections to the R & R.

The court, having reviewed the R & R filed by the United States Magistrate Judge in this action, and having reviewed the relevant portions of the file and procedural history, agrees that this matter should be dismissed for failure to prosecute. Federal courts have inherent authority to dismiss an action with prejudice for failure to prosecute. Link v. Wabash R. Co., 370 U.S. 626, 629-632, 82 S. Ct. 1386, 1388-1390 (1962). Here, the record indicates that plaintiff has been repeatedly warned that the action may be dismissed, but she has nonetheless failed to comply

with the court's orders. Under the circumstances, dismissal is proper.

This action is hereby **DISMISSED** with prejudice.

Entered this 10th day of April, 2007.

/s/ Wendell A. Miles  
Wendell A. Miles, Senior Judge